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January 26, 2024

Hon. Andrew L. Carter
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

MEMO ENDORSED

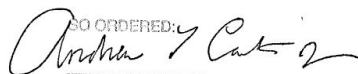
Re: *Watson v. Miller*,
Docket No.:23-CV-8356

Dear Judge Carter:

I have been assigned to respond to Mr. Watson's habeas petition, pursuant to 28 U.S.C. § 2254. Respondent's answer is due on February 6, 2024. I write to join in petitioner's request that the habeas petition be held in abeyance and the proceedings stayed pending resolution of petitioner's state court litigation (*see* Doc. 1 at 6).

Before this Court, petitioner argues that he was deprived his constitutional right to the effective assistance of appellate counsel (Doc. 1 at 5). However, as petitioner acknowledges, that claim is unexhausted (Doc. 1 at 6). In September 2023, petitioner filed in the Appellate Division, First Department, a writ of error coram nobis asking that court to find appellate counsel ineffective. I have been assigned to respond to that application as well and my response in that matter is due February 19, 2024. I anticipate I will need an enlargement of time to file that response. Consequently, since defendant still has pending pertinent state court litigation, we ask that the matter, including respondent's time to answer the petition, be stayed pending resolution of the state court litigation. Respondent will promptly notify the court when the state court litigation has been completed.

This case is STAYED pending resolution of the state court action.

SO ORDERED: 
HON. ANDREW L. CARTER, JR.
UNITED STATES DISTRICT JUDGE

Dated: February 9, 2024
New York, NY

The court's consideration in this matter is greatly appreciated.

Respectfully submitted,

/s/ Nicole Neckles

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cc: Shalik Watson
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